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July 8, 2003

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 95-116

Dear Ms. Dortch:

On July 7, 2003, the undersigned and Lawrence E. Sarjeant, United States Telecom Association (USTA), and Mike Tan, SBC Communications, Inc., met with John Muleta, Bureau Chief of the Federal Communications Commission's (FCC) Wireless Telecommunications Bureau (WTB). Also in attendance from WTB was: David Furth, Associate Bureau Chief, Jared Carlson, Deputy Chief Policy Division, and Jennifer Tomchin, Legal Advisor. The purpose of the meeting was to discuss local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's Petitions' for Declaratory Ruling (Petitions').¹

Consistent with its prior filings in these proceedings, USTA expressed its concern with any action by the FCC to permit wireline to wireless number porting outside of the rate center associated with the number to be ported. USTA described the rating difficulties that incumbent local exchange carriers (ILECs) would encounter if the FCC were to allow porting outside of the wireline rate center into larger wireless local calling areas, which in some instances would cross state boundaries. USTA stated that requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Changes in the scope of ILEC porting obligations could have a substantial impact on ILEC intrastate toll revenues and cannot be lawfully done outside of a rulemaking proceeding that takes into account rate structures imposed upon ILECs by state regulators. Unless and until ILEC number porting obligations are changed in an appropriate rulemaking proceeding, wireless service providers should have

¹ See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, filed May 13, 2003.

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a physical presence within the ILEC rate center in order for numbers to be ported, as is the case today for CLECs requesting LNP.

Finally, USTA explained that the porting interval for wireline to wireless carriers should remain as currently set forth in FCC Rule 52.26(a).² The expense for ILECs to make the network changes required to significantly decrease the currently prescribed porting interval would be substantial and not justified by the incremental benefit to customers.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: John Muleta
David Furth
Jared Carlson
Jennifer Tomchin

² 47 CFR § 52.26(a).

